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International Convention on
the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-sixth session
6-24 March 2000

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

Zimbabwe

1. The Committee considered the combined second, third, and fourth periodic reports of Zimbabwe (CERD/C/329/Add.1) at its 1374th and 1375th meetings (CERD/C/SR.1374 and 1375), held on 7 and 8 March 2000. At its 1395th meeting, held on 22 March 2000, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the report of Zimbabwe which followed the general guidelines for the presentation of States parties' reports. The Committee expresses its appreciation for the additional information provided in the core document (HRI/CORE/1/Add.55) and orally by the delegation. The Committee is encouraged by the constructive, open and frank dialogue it had with the delegation and welcomes the positive reactions to the suggestions and recommendations made during the discussion.

B. Factors and difficulties impeding the implementation of the Convention

3. The Committee notes that prior to 1980, the legislation and policies implemented by the white minority regime in Zimbabwe led to racial segregation and discrimination in the country. The continuing effects of Zimbabwe's social and political history, together with the burden of the external debt and other economic concerns, have impeded full implementation of the Convention.

C. Positive aspects

4 The Committee notes the efforts made by the State party within the educational system to reduce racial segregation, introduce the use of minority languages and incorporate human rights education into the curricula through innovative methods.

5. The Committee welcomes Zimbabwe's recent enactment of the Prevention of Discrimination Act which, inter alia, prohibits "discrimination on the ground of race, tribe, place of origin, national or ethnic origin, political opinions, colour, creed or gender" and the 1997 amendment to the Ombudsman's Act which broadens the mandate to include investigation of any violations of human rights committed by members of the defence and police forces and the prison service.

6. The Committee notes the amendment to the Administration of Estates Act which addresses concerns previously raised with respect to customary law regarding marriage, inheritance and succession.

7. The Committee welcomes the State party's initiative to introduce, with the support of the International Committee of the Red Cross, human rights training for civil servants as well as members of the police and defence forces.

D. Concerns and recommendations

8. The Committee is concerned that the Ombudsman is restricted in her powers to investigating the actions of public officials in fields relating to racial discrimination. There is also concern that article 4 of the amendment to the Ombudsman Act limits access to the complaints process. It is recommended that the State party take appropriate measures to enable the Ombudsman to monitor public officials and their powers.

9. The Committee notes that the Ministry of Education has encountered problems in addressing the racial segregation created by the parallel system of public and private schools. It is recommended that the State party, in its next periodic report, provide additional quantitative and qualitative information on racial segregation in schools.

10. There is concern that the Prevention of Discrimination Act does not adequately address all the elements of article 4, particularly as regards the prohibition and criminalization of all organizations and propaganda activities that promote and incite racial discrimination. Additionally, there is concern that the inclusion of "the risk element" referred to in section 6 (1) of the Act, weakens the text, whereas article 4 of the Convention does not limit or place conditions on the prohibition of racist statements.

11. It is noted with regret that the full implementation of the policy to introduce minority languages into the school curricula has been impeded by financial, human and material constraints. The State party is encouraged to proceed with its proposal to give priority in the teacher training and curriculum development programmes to persons with minority languages.

12. The Committee notes with concern the insufficient information provided on the situation of refugees, migrants and non-nationals residing in Zimbabwe. Additionally, it notes with dissatisfaction that the laws concerning citizenship give preference to non-national female spouses over non-national male spouses of nationals of Zimbabwe and that the children born to citizens of Zimbabwe overseas may not acquire citizenship. It is recommended that the State party review its citizenship laws to ensure non-discrimination. The State party is invited to provide, in its next periodic report, additional information on the situation of refugees, migrants and non-nationals residing in Zimbabwe as well as the relevant legislative measures available to ensure the protection of their rights.

13. While noting the challenges faced by the State party with respect to land redistribution, the Committee regrets that very little progress has been made in this regard since the consideration of the initial report. Concern is expressed that the criteria established for persons to qualify as beneficiaries under the Commercial Farm Settlement Scheme may limit the number of black farmers who qualify. It is recommended that the State party introduce measures to improve access to financial and technical support for black farmers who may not otherwise qualify under the Scheme and in this context consider the possibility of communal access to commercial farmland. The State party is encouraged to continue its study of land reform measures with a view to implementing a comprehensive land reform programme in Zimbabwe, in accordance with due process of law and in a manner that will enhance the economic and social rights of its citizens.

14. Concern is expressed at the insufficient information provided with respect to article 6 of the Convention. The State party is requested to include information in its next periodic report on the measures undertaken to improve public awareness of the Convention and other legal mechanisms that guarantee and protect against all forms of discrimination as well as the development of case law in this regard.

15. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee requested that the possibility of making the declaration be considered.

16. The Committee recommends that the next periodic report of the State party be readily available to the public from the time it is submitted and that these concluding observations be made widely available to the public. The Committee further recommends that the State party's next periodic report, due on 12 June 2000, be an updating report and that it address the points raised during the consideration of the present report.